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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 23 PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

23-001 SCOPE AND AUTHORITY: These regulations apply to licensure of audiologists and speech-language pathologists as defined by Neb. Rev. Stat. §§ 71-1,186 to 71-1,196, the Uniform Licensing Law.

23-002 DEFINITIONS

Accredited High School means a secondary school accredited by a regional accrediting institution.

Act means Neb. Rev. Stat. §§ 71-1,186 to 71-1,196 known as the Practice of Audiology and Speech-Language Pathology.

Approved Academic Program means a program that has been accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) or a nationally recognized equivalent accreditation association.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Audiologist means an individual who practices audiology and who presents himself/herself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of services.

Board means the Board of Audiology and Speech-Language Pathology.

Clinical Fellow means a person engaged in completing a Clinical Fellowship.

Clinical Fellowship means at least 9 calendar months of full time professional experience (30 clock hours per week) or 18 calendar months of at least half time professional experience (15-19 clock hours per week) in speech-language pathology or audiology supervised in the area in which licensure is sought.

Clinical Practice means the practicum experience earned while enrolled in an approved academic program.

Communication Assistant means any person who, following specified training and receiving specified supervision, provides specified, limited, and structured communication services, which are developed and supervised by a licensed audiologist or speech-language pathologist, in the area(s) in which the supervisor holds a license(s).

Continuing education activity means the various methods in which a licensee can obtain the necessary continuing education for license renewal.

Completed Application means an application with all of the information requested on the application filled in, fees and all required documentation submitted.

Continuing Competency means the offering of instruction or information to licensees for the purpose of maintaining skills necessary for the safe and competent practice of audiology or speech-language pathology. The continuing education may be offered under such names as "scientific school", "clinic", "forum", "lecture", "course of study" or "educational seminar".

Department means the Department of Health and Human Services Regulation and Licensure.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201, for performance of the duties set out in that statute.

Evidence of Residency means proof of living within the boundaries of Nebraska, i.e., home address, car registration, voter registration.

Hour means 60 minutes.

Inactive License means the voluntary termination of the right or privilege to practice audiology or speech-language pathology. The licensee retains the right or privilege to represent himself/herself as having an inactive license.

Lapsed License means the voluntary termination of the right or privilege to represent himself/herself as a licensed person and to practice audiology or speech-language pathology.

Licensure Examination means the Praxis Series Specialty Tests in Speech-Language Pathology and Audiology approved by the Department on the recommendation of the Board and administered by the Educational Testing Service.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 23.

Nationwide Professional Accrediting Organization means the American-Speech-Language-Hearing Association or equivalent.

Official means issued by and under the original seal of the educational institution.

Onsite Observation means the supervising audiologist or speech-language pathologist must be present at the practice site for consultation and direction of the actions of the Clinical Fellow. One onsite observation equals one hour.

Onsite Supervision means the supervising audiologist or speech-language pathologist must be present at the practice site for consultation and direction of the actions of the communication assistant.

Professional Experience means Clinical Fellowship.

Provider means an individual or sponsoring organization that presents continuing education programs to licensees.

Provider Type means one or more physical settings in which the client populations are similar (e.g. nursing homes, hospitals, schools, industrial locations, hearing aid provider offices, etc.).

Scaled Score means qualitative interpretative score which is a function of performance.

Speech-Language Pathologist means an individual who presents himself/herself to the public by any title or description of services incorporating the words speech-language pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, language clinician, logopedist, communicologist, aphasiologist, aphasia therapist, voice pathologist, voice therapist, voice clinician, phoniatriest, or any similar title, term, or description of services.

Supervision means the direction given by a licensed audiologist or speech-language pathologist a) who is present in the room in which clinical services are being given, or b) who observes the clinical setting either by use of an observation window or by closed circuit television with amplification from the clinical setting.

Verified means sworn to before a Notary Public.

**23-003 REQUIREMENTS FOR ISSUANCE OF LICENSE:** A license is required to practice audiology and speech-language pathology except in cases where the person is employed by the federal government, holds a current credential issued by the State Department of Education, or is involved in the clinical practice required for students. The criteria for issuance of licenses and the documentation required by the Department and the Board are set forth below.

**23-003.01 License Based On Education:** An applicant for a license to practice audiology or speech-language pathology must:

1. Have a master's degree or its equivalent in audiology or speech-language pathology from an academic program approved by the board;
2. Have completed a Clinical Fellowship. The Clinical Fellowship must:
  - a. Be completed under the supervision of:
    - (1) An audiologist or speech-language pathologist who holds a valid Nebraska license or who meets Nebraska requirements for licensure; or

- (2) One who holds certification from the American Speech-Language-Hearing Association. The supervisor's license or certification must be in the professional area in which the clinical fellow works.
- b. Consist of direct clinical work with patients, consultations, record keeping, and other duties relevant to a program of clinical work including clinical experience with persons who have communication handicaps. The professional experience must deal directly with the management of treatment programs for specific patients or clients; and
- c. In order to determine successful completion of the professional experience, the supervising audiologist or speech-language pathologist must monitor and evaluate the applicant's performance to include:
  - (1) At least 18 onsite observations of direct client contact at the clinical fellow's work-site to include:
    - (a) Up to six onsite observations (six hours) may be accrued in one day;
    - (b) At least six onsite observations must be accrued during each third of the experience; and
    - (c) If multiple sites are utilized at least one onsite observation must be conducted at each site of the same provider type during two of the three segments;
  - (2) At least 18 other monitoring activities ( at least six during each third of the experience) which include, but are not limited to:
    - (a) Evaluating the clinical fellow's clinical records, including diagnostic reports, treatment records, correspondence, plans of treatment, and summaries of clinical conferences;
    - (b) Monitoring the clinical fellow's participation in case conferences;
    - (c) Evaluating the clinical fellow by professional colleagues and employers;
    - (d) Evaluating the clinical fellow's work by patients and their parents; and
    - (e) Monitoring the clinical fellow's contributions to professional meetings and publications, as well as participation in their professional growth opportunities.
- 3. Have passed the licensure examination with a scaled score of 600;
- 4. Have attained at least the age of majority and have good moral character; and
- 5. Submit to the Department:
  - a. An official transcript showing proof of a master's degree or its equivalent in audiology or speech-language pathology from an approved academic program;
  - b. Official documentation of passing the licensure examination;

- c. A complete application, on a form provided by the Department or on an alternate format which includes the following information:
  - (1) Complete name including middle or maiden name;
  - (2) Mailing address including street, P.O. Box, route, city, state, and zip code;
  - (3) Date of birth (month, day, and year);
  - (4) Place of birth (city, state);
  - (5) Telephone number including area code (optional);
  - (6) Social Security Number;
  - (7) Name of approved academic program or institution;
  - (8) Date of graduation from program or institution;
  - (9) If convicted of a felony or misdemeanor applicant must submit the following:
    - (a) Official courts records relating to the conviction and disposition; and
    - (b) Letter of explanation of conviction;
  - (10) List state, license number, date license issued, and expiration date of license for each state where you have been or are currently licensed;
  - (11) If any disciplinary action was taken against applicant's license by another state applicant must submit a letter of explanation of the disciplinary action; and
  - (12) Attestation by the applicant:
    - (a) That s/he has not practiced in Nebraska prior to the application for a license; or
    - (b) To the actual number of days practiced in Nebraska prior to the application for a license.
  - (13) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character;
- d. Documentation of completion of the Clinical Fellowship on a form provided by the Department or on an alternate format which includes the following information to be provided by the supervisor:
  - (1) Supervisor's complete name including middle or maiden name;
  - (2) State(s) supervisor is licensed in;
  - (3) Profession supervisor is licensed in: audiology or speech-language pathology;
  - (4) Supervisor's license number(s);
  - (5) Certificate number of Certificate of Competency from the American Speech-Language Hearing Association of the supervisor, if applicable;
  - (6) Profession Certificate of Competency is held in: audiology or speech-language pathology;
  - (7) Name of clinical fellow;
  - (8) Dates of supervision;
  - (9) Name of supervision site;
  - (10) Mailing address of site including street, P.O. Box, route, city, state, and zip code;
  - (11) Telephone number including area code of the supervisor;

- (12) Area in which clinical fellow completed his/her Clinical Fellowship: audiology or speech- language pathology;
  - (13) Number of hours clinical fellow worked per week;
  - (14) List date, site, and type of activity evaluated for the 18 onsite observations required for the completion of the Clinical Fellowship;
  - (15) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge; and
- e. Official documentation of certification by the American Speech-Language-Hearing Association or equivalent;
  - f. Evidence of having attained at least the age of majority; and
  - g. The required license fee.
- 6. The Department will act within 150 days upon all completed applications for licensure.
  - 7. Administrative Penalty/Other Action: An individual who practices prior to issuance of a license, is subject to assessment of an administrative penalty under 172 NAC 23- 016 or such other action as provided in the statutes and regulations governing the license.

23-003.02 License Based On Endorsement: An applicant for licensure to practice audiology or speech-language pathology on the basis of endorsement by a nationwide professional accrediting organization must:

- 1. Have obtained certification by the American Speech-Language-Hearing Association or equivalent;
- 2. Have attained at least the age of majority and have good moral character; and
- 3. Submit to the Department:
  - a. Official documentation of certification by the American Speech-Language-Hearing Association or equivalent;
  - b. A complete application or on an alternate format which includes the following information:
    - (1) Complete name including middle or maiden name;
    - (2) Mailing address including street, P.O. Box, route, city, state, and zip code;
    - (3) Date of birth (month, day, and year);
    - (4) Place of birth (city, state);
    - (5) Telephone number including area code (optional);
    - (6) Social security number;
    - (7) Name of approved academic program or institution;
    - (8) Date of graduation from program or institution;
    - (9) If convicted of a felony or misdemeanor applicant must submit the following:
      - (a) Official courts records relating to the conviction and disposition; and
      - (b) Letter of explanation of conviction;

- (10) List state, license number, date license issued, and expiration date of license for each state where you have been or are currently licensed;
- (11) If any disciplinary action was taken against applicant's license by another state applicant must submit a letter of explanation of the disciplinary action; and
- (12) Attestation by the applicant:
  - (a) That s/he has not practiced in Nebraska prior to the application for a license; or
  - (b) To the actual number of days practiced in Nebraska prior to the application for a license.
- (13) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character.

Only applications which are complete will be considered.

- c. Evidence of having attained at least the age of majority; and
  - d. The required license fee.
4. The Department will act within 150 days upon all completed applications for licensure.

23-003.03 License Based On A License Issued In Another Jurisdiction: An applicant for a license to practice audiology or speech-language pathology on the basis of licensure in another jurisdiction must:

- 1. Provide documentation that the standards regulating the practice of audiology and speech-language pathology in the other jurisdiction are equivalent to those maintained in Nebraska;
- 2. Provide documentation that s/he meets the requirements pursuant to 172 NAC 23-003.01 or 172 NAC 23-003.02.
- 3. Have attained the age of majority and have good moral character;
- 4. Submit to the Department:
  - a. A complete application on a form provided by the Department, a copy of which is attached as Attachment A and incorporated in these regulations;
  - b. Evidence of having attained at least the age of majority;
  - c. The required license fee; and
  - d. Attestation by the applicant:
    - (1) That s/he has not practiced in Nebraska prior to the application for a license; or



- (2) To the actual number of days practiced in Nebraska prior to the application for a license.
5. If the license or certificate was based on examination, the applicant must have the licensing agency submit:
  - a. A certification that the applicant is duly licensed or certified and the method by which the license or certification was granted, that his/her license or certificate has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement on a form provided by the Department or on an alternate format which can be a form provided by the licensing agency in the other jurisdiction;
  - b. Nature of disciplinary actions, if any, taken against the applicant's license or certificate;
  - c. Date of the applicant's license or certificate;
  - d. Name of the examination on which licensure or certification was based;
  - e. Score attained on the examination; and
  - f. Documentation of the requirements for licensure or certification in the other jurisdiction which are currently in effect and which were in effect at the time the license was issued; or
6. If the license or certificate was based on certification by a nationwide professional accrediting organization, the applicant must have the nationwide professional accrediting organization submit official documentation of the certification.
7. The Board reviews the documents submitted to determine if the applicant's license or certificate issued by the other jurisdiction was based upon standards which are equal to those maintained in audiology and speech-language pathology by Nebraska.
8. The Department will act within 150 days upon all completed applications for licenses.
9. Administrative Penalty/Other Action: An individual who practices prior to issuance of a license, is subject to assessment of an Administrative Penalty pursuant to 172 NAC 23-016 or such other action as provided in the statutes and regulations governing the license.

23-003.04 Temporary License Requirements: A temporary license may be issued to an applicant who has established residence in Nebraska and;

23-003.04A Has met all requirements for licensure pursuant to 172 NAC 23-003.01 except passing the licensure examination.

23-003.04A1 The applicant must submit to the Department:

1. Official documentation of residence in Nebraska;

2. An official transcript showing proof of a master's degree or its equivalent in audiology or speech-language pathology from an approved academic program;
3. A complete application on a form provided by the Department or on an alternate format which includes the following information:
  - a. Complete name including middle or maiden name;
  - b. Mailing address including street, P.O. Box, route, city, state, and zip code;
  - c. Date of birth (month, day, and year);
  - d. Place of birth (city, state);
  - e. Telephone number including area code (optional);
  - f. Social Security Number;
  - g. Name of approved academic program or institution;
  - h. Date of graduation from program or institution;
  - i. If convicted of a felony or misdemeanor applicant must submit the following:
    - (1) Official courts records relating to the conviction and disposition; and
    - (2) Letter of explanation of conviction;
  - j. Date, license number, date license issued, and expiration date of license for each state where you have been or are currently licensed;
  - k. If any disciplinary action was taken against applicant's license by another state applicant must submit a letter of explanation of the disciplinary action; and
  - l. Attestation by the applicant:
    - (1) That s/he has not practiced in Nebraska prior to the application for a license; or
    - (2) To the actual number of days practiced in Nebraska prior to the application for a license.
  - m. Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character.

Only applications which are complete will be considered.

4. Documentation of completion of the Clinical Fellowship on a form provided by the Department or on an alternate format which contains the following information:
  - a. Supervisor's complete name including middle or maiden name;
  - b. State(s) supervisor is licensed in;
  - c. Profession supervisor is licensed in: audiology or speech-language pathology;
  - d. Supervisor's license number(s);

- e. Supervisor's Certificate number of Certificate of Competency from the American Speech-Language Hearing Association, if applicable;
  - f. Profession Certificate of Competency is held in: audiology or speech-language pathology;
  - g. Name of clinical fellow;
  - h. Dates of supervision;
  - i. Name of supervision site;
  - j. Mailing address of site including street, P.O. Box, route, city, state, and zip code;
  - k. Telephone number including area code of the supervision site;
  - l. Area in which clinical fellow completed his/her Clinical Fellowship: audiology or speech-language pathology;
  - m. Number of hours clinical fellow worked per week;
  - n. List date, site, and type of activity evaluated for the 18 onsite observations required for the completion of the Clinical Fellowship; and
  - o. Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge.
5. Evidence of having attained at least the age of majority; and
  6. The required temporary license fee.

23-003.04A2 The temporary license is valid only until the results of the next examination are available to the Department at which time it expires. A temporary license may not be renewed.

23-003.04B Has met all the requirements for licensure pursuant to 172 NAC 23-003.01 except completion of the professional experience.

23-003.04B1 The applicant must submit to the Department:

1. Official documentation of residence in Nebraska;
2. An official transcript showing proof of a master's degree or its equivalent in audiology or speech-language pathology from an approved academic program;
3. A complete application on a form provided by the Department or on an alternate format pursuant to 172 NAC 23-003.04A1, item 3. Only applications which are complete will be considered;
4. Official documentation of passing the licensure examination
5. Evidence of having attained at least the age of majority; and
6. The required temporary license fee.

23-003.04B2 The temporary license is valid only until the sooner of completion of the professional experience or 18 months and must not be renewed.

23-003.04C The Department will act within 150 days upon all completed applications for licensure.

23-004 RESERVED

23-005 EXAMINATION PROCEDURES

1. The examination will be administered by the Educational Testing Service and the applicant must be notified of the date, time, place, and other information pertinent to administration of the examination.
2. Educational Testing Service will notify the applicant in writing of test results from six to ten weeks after the administration of the examination.

23-006 REQUIREMENTS FOR REGISTRATION AS A COMMUNICATION ASSISTANT:

Commencing January 1, 1986, the Department registers to practice as a communication assistant any person who meets the criteria for registration and presents documentation required by the Department to the Board as set forth below.

23-006.01 In order to register as a communication assistant a person must:

1. Have graduated from an accredited high school or its equivalent;
2. Have completed the required initial training consisting of at least 12 hours. Such training includes:
  - a. An overview of speech and language and the practice of audiology and speech-language pathology;
  - b. Ethical and legal responsibilities;
  - c. Normal language, speech, and hearing functions;
  - d. Observing and recording patient progress;
  - e. Behavior management and modification; and
  - f. Record keeping.
3. Have completed additional training if the communication assistant will provide aural rehabilitation programs. This training includes:
  - a. Information concerning the nature of hearing loss;
  - b. Purposes and principles of auditory and visual training; and
  - c. Maintenance, routine cleaning, and use of amplification devices.
4. Has demonstrated ability to reliably maintain records and provide treatment under the supervision of a licensed audiologist or speech-language pathologist; and
5. Submit to the Department:

- a. An official transcript or official copy of diploma from an accredited high school or equivalent;
- b. A verified complete application on a form provided by the Department or on an alternate format which contains the following information:
  - (1) Complete name including middle or maiden name;
  - (2) Mailing address including street, P.O. Box, route, city, state, and zip code;
  - (3) Date of birth (month, day, and year);
  - (4) Place of birth (city, state);
  - (5) Telephone number including area code (optional);
  - (6) Social Security Number;
  - (7) If convicted of a felony or misdemeanor applicant must submit the following:
    - (a) Official courts records relating to the conviction and disposition; and
    - (b) Letter of explanation of conviction;
  - (8) Date, registration number, date registration issued, and expiration date of registration where you have been or are currently registered;
  - (9) If any disciplinary action was taken against applicant's registration by another state applicant must submit a letter of explanation of the disciplinary action;
  - (10) Area of registration: audiology or speech-language pathology;
  - (11) Name of supervising audiologist or speech-language pathologist; and
  - (12) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character;

Only applications which are complete will be considered;

- c. An affidavit of completion of initial training, on a form provided by the Department or on an alternate format, to be completed by the supervising audiologist or speech-language pathologist, which includes the following information:
  - (1) Complete name of licensed supervising audiologist or speech-language pathologist;
  - (2) Complete name of communication assistant; and
  - (3) Sign and date the following statement: I hereby certify that (name of applicant) has completed the 12 hours of initial training consisting of:
    - (a) Overview of speech and language and the practice of audiology and speech-language pathology;
    - (b) Ethical and legal responsibilities;
    - (c) Normal language, speech, and hearing functions;
    - (d) Observing and recording patient progress;
    - (e) Behavior management and modification; and
    - (f) Record keeping.

- d. An affidavit of completion of required additional training, if necessary, on a form provided by the Department or on an alternate format, to be completed by the supervising audiologist or speech-language pathologist, which contains the following information:
    - (1) Complete name of licensed supervising audiologist or speech-language pathologist;
    - (2) Complete name of communication assistant;
    - (3) Sign and date the following statement: I hereby certify that (name of applicant) has completed the additional training for aural rehabilitation consisting of:
      - (a) Information concerning the nature of hearing loss;
      - (b) Purpose and principles of auditory and visual training;
      - (c) Maintenance, routine cleaning, and use of amplification devices; and
      - (d) Other additional subjects.
  - e. The required license fee.
6. The Department will act within 150 days upon all completed applications for registration.

23-006.02 In order to practice, a registered communication assistant must be supervised by a licensed audiologist or speech-language pathologist.

#### 23-007 REQUIREMENTS FOR CERTIFICATION OF SUPERVISOR OF A COMMUNICATION ASSISTANT

23-007.01 Approval for Supervision: The Department, upon recommendation of the Board, approves an application submitted by licensed audiologist(s) or speech-language pathologist(s) for supervision of a communication assistant when:

- 1. Communication assistant is registered in Nebraska;
- 2. Audiologist or speech-language pathologist has a valid Nebraska license;
- 3. Audiologist or speech-language pathologist practices in Nebraska;
- 4. Audiologist or speech-language pathologist identifies the settings in which the communication assistant will be providing audiology or speech-language pathology services and the agreed-upon functions the communication assistant may perform. The functions may include the following duties and activities:
  - a. Implementing programs and procedures designed by a licensed audiologist or speech-language pathologist which develop or refine receptive and expressive verbal and nonverbal communication skills;
  - b. Maintaining records of implemented procedures which document a patient's responses to treatment;

- c. Providing input for interdisciplinary treatment planning, inservice training, and other activities directed by a licensed audiologist or speech-language pathologist;
  - d. Preparing instructional material to facilitate program implementation as directed by a licensed audiologist or speech-language pathologist;
  - e. Recommending speech, language, and hearing referrals for evaluation by a licensed audiologist or speech-language pathologist;
  - f. Following plans, developed by the licensed audiologist or speech-language pathologist, that provide specific sequences of treatment to individuals with communicative disorders; and
  - g. Charting or logging patient responses to the treatment plan.
5. The audiologist or speech-language pathologist must submit to the Department a complete application, signed by the audiologist or speech-language pathologist, on a form provided by the Department or on an alternate format which contains the following information:
- a. Complete name of communication assistant;
  - b. Complete name of supervising audiologist or speech-language pathologist;
  - c. Complete mailing address of supervising audiologist or speech-language pathologist to include street, P.O. Box, route, city, state, and zip code;
  - d. Nebraska license number of audiologist or speech-language pathologist;
  - e. Area in which the communication assistant is registered: audiology or speech-language pathology;
  - f. Location(s) where communication assistant will be working to include:
    - (1) Complete name of facility;
    - (2) Mailing address including street, P.O. Box, route, city, state, and zip code
    - (3) Telephone number including area code (optional)
  - g. Duties the Communication assistant will perform pursuant to 172 NAC 23.007.01 item 4, a.-g.;
  - h. The method(s) of supervision: video tapes, direct onsite supervision, and review of records etc; and
  - i. Sign and date the following statement: I, the undersigned, certify that I am the person referred in this application and that the statements herein are true and complete. I further certify that the communication assistant named in this application will not perform the functions listed in Neb. Rev. Stat. § 71-1,195.07 and will not perform aural rehabilitation unless s/he has the additional training required by Neb. Rev. Stat. § 71-1,195.05. I also certify that I will be responsible for all aspects of patient treatment by the assistant if I am granted approval to supervise the assistant.

Only applications which are complete will be considered.

23-007.02 Denial of Approval to Supervise: Approval to supervise must be denied by the Department upon evidence of any of the following:

1. The audiologist or speech-language pathologist is not licensed to practice audiology or speech-language pathology in Nebraska;
2. The communication assistant is not registered in Nebraska; or
3. The audiologist or speech-language pathologist proposes to permit the communication assistant to perform duties beyond the scope of practice of a communication assistant. The duties include the following:
  - a. Evaluating or diagnosing any type of communication disorder;
  - b. Interpreting evaluation results or treatment progress;
  - c. Consulting or counseling, independent of the licensed audiologist or speech-language pathologist, with a patient, a patient's family, or staff regarding the nature or degree of communication disorders;
  - d. Planning patient treatment programs;
  - e. Representing himself/herself as an audiologist or speech-language pathologist or as a provider of speech, language, or hearing treatment or assessment services; or
  - f. Independently initiating, modifying, or terminating any treatment program.

23-007.03 Termination of Supervision: If the supervision of a communication assistant is terminated by the audiologist, speech-language pathologist, or communication assistant:

23-007.03A The audiologist or speech-language pathologist must notify the Department in writing of the termination and the date supervision ceased.

23-007.03B The communication assistant must cease providing any audiology or speech-language pathology services on the date approved supervision is terminated.

23-007.04 The Department will act within 150 days upon all completed applications for approval to supervise.

23-008 SUPERVISION OF COMMUNICATION ASSISTANTS: A licensed audiologist or speech-language pathologist who supervises a communication assistant must:

1. Provide direct onsite supervision for the first treatment session;
2. Provide direct onsite supervision of at least 20% of all subsequent treatment sessions per quarter;
3. Provide at least ten hours inservice training each year, either formal or informal, which is directly related to the particular services provided by the communication assistant;
4. Prepare semiannual performance evaluations of the communication assistant; and
5. Be responsible for all aspects of patient treatment.

#### 23-009 CONTINUING COMPETENCY REQUIREMENTS

23-009.01 General Requirements for Licensee: On or before December 1 of each even-numbered year, each audiologist or speech-language pathologist who is in active practice in the



State of Nebraska must:

1. Complete 20 hours of continuing education during the preceding 24 month period; no more hours than the total number of hours offered in Nebraska is required during this period. The licensee must participate in at least 20 hours of continuing competency activities for each renewal period. All 20 hours may be from Content Area I with no more than five hours from Content Area II. Renewal of a license will be contingent upon the licensee fulfilling the continuing competency requirement and maintaining documentation for a possible audit. The Board does not pre-approve continuing education programs. It is the licensee's responsibility to attend or participate in continuing education activities which meet the guidelines pursuant to NAC 23-009.01B and NAC 23-009.01C. The Board retains final authority for acceptance of any educational activity submitted by the licensee to meet the continuing competency requirement.

CONTENT AREA I:

- a. Anatomic and physiologic bases for the normal development and use of speech, language, hearing, and balance;
- b. Physical bases and processes of the production and perception of speech, language, and hearing;
- c. Linguistic and psycho-linguistic variables related to normal development and use of speech, language, and hearing;
- d. Technological, biomedical, engineering, and instrumentation information which would enable expansion of knowledge in the basic communication processes;
- e. Various types of disorders of communication, their manifestations, classification, and cause;
- f. Evaluation skills, including procedures, techniques, and instrumentation for assessment;
- g. Principles in habilitation and rehabilitation of communication disorders; and
- h. Principles in evaluation and rehabilitation of balance and vestibular disorders.

CONTENT AREA II (must relate to the practice of audiology and speech-language pathology)

- a. Regulations and implementation of federal and/or state regulated programs;
- b. Service delivery models;
- c. Ethical practices;
- d. Supervision issues related to the practice of audiology and speech-language pathology;
- e. Related disciplines which interface with delivery of audiology and speech-language pathology services; and
- f. Reimbursement issues.

Non-acceptable Continuing Education: Continuing education credit will not be awarded for programs that do not relate to the theory or clinical application of theory pertaining to the practice of audiology and speech-language pathology including but not limited to:

- a. Marketing and business communications and operations;
  - b. Courses which deal with personal self-improvement, human relations, financial gain, time management, or career options;
  - c. Courses designed for lay persons;
  - d. Teaching non-credentialed persons nor any preparation for same.
  - e. Courses less than 60 minutes in duration.
  - f. Participation in or attendance at case conferences, grand rounds, facility tours, e.g. manufacturing, education, medical, or informal presentations.
2. Be responsible for:
  - a. Maintaining until the next renewal period, documentation of attendance at, or participation in, continuing education programs/activities. Documentation of attendance or participation must include the following:
    - (1) Signed certificate; and
    - (2) Course brochure or course outline; and/or
    - (3) Other requested documentation required pursuant to 172 NAC 23-009.01B, items 1, 2, 4, 6, 7, and 8.
  - b. Maintaining documentation of presentation of a continuing education program if the licensee is presenting a program. Documentation must include the following:
    - (1) Course outline; and
    - (2) Brochure of course; or
    - (3) Statement of instructor's qualification to teach the course, unless the qualifications are included in the brochure.
3. If applicable, submit an application for waiver of the continuing competency requirement pursuant to 172 NAC 23-009.02.

23-009.01A Acceptable Continuing Education: In order for continuing education to be accepted for renewal or reinstatement of a license, the continuing education activity must relate to the theory or clinical application of theory pertaining to the practice of audiology or speech-language pathology.

23-009.01B The Board does not pre-approve continuing education activities but will accept as continuing education for renewal of a license or reinstatement of a license the following:

1. Programs at State and National meetings which relate to the theory or clinical application of theory pertaining to the practice of audiology or speech-language pathology e.g., a meeting of the Nebraska Speech-Language-Hearing Association and/or the American Speech-Language-Hearing Association, or

American Academy of Audiology. A licensee's documentation must include the certificate of attendance, listing of individual presentations attended and program outline and/or objectives.

2. Poster sessions at State and National meetings which relate to the theory or clinical application of theory pertaining to the practice of audiology or speech-language pathology. A licensee's documentation must include the certificate of attendance, listing of individual poster sessions attended and program outline and/or objectives.
3. Formal education courses/presentations in which:
  - a. The courses or presentations are formally organized and planned instructional experiences that have a date, location, course title, number of contact hours, signed certificate of attendance, and are open to all licensees;
  - b. The objectives relate to the theory or clinical application of theory pertaining to the practice of audiology and speech-language pathology; and
  - c. The instructor has specialized experience or training to meet the objectives of the course.
4. Accredited university sponsored courses relating to the theory or clinical application of theory pertaining to the practice of audiology and speech-language pathology taken for college credit including internet courses. A licensee must provide documentation of successfully completing the course. A licensee's documentation must include an official transcript and a program outline and/or objectives;
  - a. One academic semester credit hour is equal to 15 contact hours. Thus an approved three credit hour course would provide 45 contact hours of continuing education credit.
  - b. One academic quarter credit hour is equal to ten contact hours. Thus an approved three credit hour course would provide 30 contact hours continuing education credit.
5. Home study where the content of the home study activity relates to the theory or clinical application of theory pertaining to the practice of audiology or speech-language pathology, e.g. videotapes, internet courses not for university credit, and/or correspondence courses. The program must have a testing mechanism scored by the named home study provider. A licensee's documentation must include a certificate of completion, and a program outline and/or objectives. Licensees may complete a maximum of ten hours of continuing education requirements by home study each 24 month renewal period;
6. Participation in research or other scholarly activities that result in professional

publication or acceptance for publication that relate to audiology or speech-language pathology. Five contact hours will be awarded for each publication.

Licensees may earn up to a maximum of ten contact hours of continuing education each 24 month renewal period for authorship, editorship, co-authorship, co-editorship, or all of these, of a juried publication relating to audiology or speech-language pathology. A licensee's documentation must include a copy of the final publication or verification of publication e.g., title page and table of contents; and

7. Nationally recognized specialty certification examinations: A licensee will earn ten contact hours of continuing education each 24 month renewal period for successful completion of a nationally recognized specialty certification examination related to an area of advanced practice in the field of audiology or speech-language pathology. A licensee's documentation must include a copy of the certification.
8. One hour credit will be awarded for each hour of scientific presentation by a licensee acting as an essayist or a lecturer to licensed audiologists, speech-language pathologists, or other credentialed health care professionals if the program relates to the theory or clinical application of theory pertaining to audiology and speech-language pathology. A licensee may receive continuing education credit for only the initial presentation during a renewal period, with a maximum of four hours of continuing education for presentation in a 24 month renewal period. A licensee's documentation must include the program brochure that includes the licensee's name as presenter and the course outline and/or objectives.

23-009.01C One hour credit will be awarded for each 60 minutes of attendance and a quarter hour will be awarded for each additional 15 minutes over 60 minutes. Credit will not be awarded for breaks or meals.

23-009.02 Waiver of Continuing Competency Requirements: The Department, on the recommendation of the Board, may waive the continuing competency requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his/her control prevented completion of the requirements.

23-009.02A The circumstances must include situations in which:

1. The licensee holds a Nebraska license but is not practicing his/her profession in Nebraska;
2. The licensee has served in the regular armed forces of the United States during part of the 24 months immediately preceding the license renewal date;
3. The licensee has submitted proof that s/he was suffering from a serious or disabling illness or physical disability which prevented completion of the

continuing competency requirements during the 24 months immediately preceding the license renewal date; and

4. The licensee was first licensed within the 24 months immediately preceding the license renewal date.

23-009.02B Application for Waiver of Continuing Competency Requirements: Any licensee who seeks a waiver of continuing competency requirements, in part or in total, for any two-year licensing period must apply to the Department. The Department, on the recommendation of the Board, may waive continuing competency requirements in part or in total for any two-year period. The licensee must submit:

1. A complete application for waiver of continuing competency requirements on a form provided by the Department or on an alternate format which contains the following information:
  - a. Licensee's complete name;
  - b. Licensee's current address including street, P.O. Box, route, city, state, and zip code;
  - c. Licensee's profession;
  - d. License number; and
  - e. Social Security Number.

Only applications which are complete will be considered, and the application must be received by the Department on or before December 1 of the year the license is subject to renewal; and

2. Documentation of the circumstances beyond the licensee's control which prevented completion of continuing competency requirements pursuant to 172 NAC 23-009.02A includes the following:
  - a. If the licensee holds a Nebraska license but is not practicing in Nebraska, s/he must make an appropriate statement in the application;
  - b. If the licensee has served in the regular armed forces of the United States during part of the 24 months immediately preceding the license renewal date, s/he must make an appropriate statement in the application and submit official documentation stating the dates of the service.
  - c. If the licensee suffered from a serious or disabling illness or physical disability which prevented completion of the continuing competency requirements during the 24 months immediately preceding the license renewal date, s/he must make an appropriate statement in the application and submit a statement from a treating physician(s) stating that the licensee was injured or ill, the duration of the illness or injury and of the recovery period, and that the licensee was unable to obtain continuing competency requirements during that period.

- d. If the licensee was first licensed within the 24 months immediately preceding the license renewal date, s/he must make an appropriate statement in the application and list the date the license was issued.

23-009.02C The Department, on recommendation of the Board, may grant or deny, in part or in total, an application for waiver of continuing competency requirements, upon proof that circumstances beyond the applicant's control prevented completion of the requirements.

23-009.02C1 When the Department determines to deny an application for waiver of continuing competency requirements, it must send to the applicant by certified mail to the last name and address of record in the Department, a notice setting forth the reason for the denial determination.

23-009.02C2 The applicant has 30 days from the date of receipt of the denial notice to make a written request to the Department for an appeal. The appeal must be conducted pursuant to The Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

23-009.02C3 The Department will issue at the conclusion of the appeal under 184 NAC 1, a final order setting forth the results of the appeal.

23-009.02C4 When the Department determines to grant a waiver of continuing competency requirements, the applicant will be notified within 30 days of receipt of the application.

23-009.03 Audit of Continuing Competency Requirements: The Board may select, either during or after renewal in a random manner, a sample of the license renewal applications for audit of continuing competency requirements. Each licensee is responsible for maintaining in his/her personal files to include the certificates or records of credit from continuing education activities received from providers. Licensees selected for audit will be required to produce documentation of his/her attendance at those continuing education activities attested to on his/her renewal application.

23-009.03A The Department will send to each licensee selected for audit a notice of audit.

23-009.03B When selected for audit, the licensee must provide satisfactory documentation of attendance at or participation in continuing education activities and any additional documentation pursuant to 172 NAC 23-009.01, item 2 attested to on the licensee's affidavit.

23-009.03C The Board reserves the right to audit the continuing competency affidavit of any licensee by notifying the licensee and requesting that the licensee produce within 30 days of mailing, documents verifying attendance at or participation in continuing education activities.

23-009.03D Continuing education for which no documentation is produced will not be

included in the calculation of the total number of continuing education hours.

23-009.03E Failure to comply with the audit may be grounds for non-renewal or revocation of the license.

23-009.04 Continuing Education Program Funding: The Board of Audiology and Speech-Language Pathology may contract with institutions of higher learning, professional organizations, or qualified individuals to provide continuing education programs for audiologists and speech-language pathologists when funds are available.

23-009.04A All Nebraska licensed audiologists and speech-language pathologists and known providers of continuing education programs must be notified by the Department of availability of funds for continuing education programs. The notification must:

1. Set forth the deadline within which the application will be considered for continuing education funds;
2. Set forth the total amount of funds available for continuing education programs; and
3. Inform licensee that s/he is eligible to apply for a contract for the provision of continuing education.
  - a. The contracts will be awarded to continuing education programs that:
    - (1) Reach the greatest number of Nebraska licensees;
    - (2) Address the theory or clinical application of theory pertaining to the practice of audiology and speech-language pathology; and
    - (3) Meet the requirements pursuant to 172 NAC 23-009.04B.

23-009.04B An applicant for continuing education funding must submit to the Department a complete application for continuing education funding on a form provided by the Department or on an alternate format that contains the following information:

1. Name of the program for which funding is requested;
2. Total number of participants expected;
3. Total number of Nebraska licensed audiologists or speech-language pathologists expected;
4. Projected program costs for speaker(s), room(s), materials and other miscellaneous costs;
5. Amount of funding requested;
6. Projected registration fees with and without requested funding for Nebraska licensees; and
7. Objectives of the program.

Only applications which are complete will be considered.

23-009.04C All applications submitted by the application deadline must be evaluated by the Board at its first regularly scheduled meeting following the deadline for application.

23-009.04D The Department will enter into a contract with all applicants approved for continuing education funding.

23-010 PROCEDURES FOR RENEWAL OF A LICENSE: All initial licenses issued by the Department under the Act and 172 NAC 23 will expire on December 1 of each even-numbered year.

23-010.01 Renewal Process: Any licensee who wishes to renew his/her license must:

1. Meet continuing competency requirements pursuant to 172 NAC 23-009;
2. Pay the renewal fee pursuant to 172 NAC 23-015;
3. Respond to the following questions:
  - a. Has your license in any health care profession in another state been revoked, suspended, limited, or disciplined in any manner?
  - b. Have you been convicted of a misdemeanor or a felony?

These questions related to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the expiration date; and

4. Cause to be submitted to the Department:
  - a. The renewal notice;
  - b. The renewal fee; and
  - c. Attestation of completing 20 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency requirements. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110:
  - d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
  - e. If the licensee has been convicted of a felony or misdemeanor:
    - (1) Official Court Record, which includes charges and disposition;
    - (2) Copies of arrest records;
    - (3) A letter from the licensee explaining the nature of the conviction;
    - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
    - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.



23-010.02 First Notice: At least 30 days before December 1 of each even-numbered year, the Department will send a renewal notice by means of regular mail to each licensee's last known address as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

23-010.02A The renewal notice will specify:

1. The name of the licensee;
2. The licensee's last known address of record;
3. The license number;
4. The expiration date of the license;
5. The renewal fee pursuant to 172 NAC 23-015;
6. The number of continuing education hours required for renewal; and
7. The option to place the license on either inactive or lapsed status.

23-010.02B The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The licensee's Social Security Number;
4. Attestation of completing 20 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency requirements; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation, or disciplinary action (if applicable).

23-010.02C If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
  - a. The renewal notice with a check in the box marked inactive; and
  - b. The fee of \$25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
  - a. The renewal notice with a check in the box marked lapsed.

23-010.02D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive or lapsed status.

23-010.03 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to the requirements of 172 NAC 23-010.02 that specify:

1. That the licensee failed to pay the renewal fee;

2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 23-016 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with the late fee of \$25 and documentation of continuing competency requirements within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular renewal fee, the license will be revoked pursuant to 172 NAC 23-012.01A.

23-010.04 The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee, and, the additional fee of \$25;
3. The licensee's Social Security Number.
4. Attestation by the licensee:
  - (a) That s/he has not practiced in Nebraska since the expiration of his/her license; or
  - (b) To the actual number of days practiced in Nebraska since the expiration of his/her license;
5. Attestation of completing 20 hours of continuing education earned within 24 months of the date of expiration or waiver of continuing competency requirements; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

23-010.05 If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
  - a. The renewal notice with a check in the box marked inactive; and
  - b. The fee of \$25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
  - a. The renewal notice with a check in the box marked lapsed.

23-010.06 The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

23-010.07 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency requirements and/or to pay an additional fee of \$25, the Department will automatically revoke the license without further notice or hearing and will make proper record of the revocation.

23-010.08 Failure to meet the continuing competency requirements for renewal within 30

days of expiration of his/her license will constitute non-renewal of licensure, unless a waiver of continuing competency requirements is granted or the license is placed on inactive or lapsed status. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal, and/or to pay an additional late fee of \$25, the Department will revoke the license after notice and opportunity for hearing. Hearings held before the Department will be conducted pursuant to the Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

23-010.09 When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 23-010.07 and 23-010.08 will not apply.

23-010.10 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1.

23-010.11 An individual who practices after expiration of his/her credential, is subject to assessment of an Administrative Penalty pursuant to 172 NAC 23-016, or such other action as provided in the statutes and regulations governing the credential.

23-011 RENEWAL OF COMMUNICATION ASSISTANT REGISTRATION: All registrations for communication assistants issued by the Department under the Act and 172 NAC 23 will expire one year from date of issuance

23-011.01 Renewal Process: Any registrant who wishes to renew his/her registration must:

1. Meet continuing competency requirement of 10 hours of inservice training;
2. Pay the renewal fee as pursuant to 172 NAC 23-015;
3. Respond to the following questions:
  - a. Has your registration in any health care profession in another state been revoked, suspended, limited, or disciplined in any manner?
  - b. Have you been convicted of a misdemeanor or a felony?

These questions related to the time period since the last renewal of the registration or during the time period since initial registration in Nebraska if such occurred within the year prior to the expiration date.

4. Cause to be submitted to the Department:
  - a. The renewal notice;
  - b. The renewal fee; and
  - c. Attestation of completing 10 hours of inservice training;
  - d. If any disciplinary action was taken against the applicant's registration by another state, an official copy of the disciplinary action, including

- charges and disposition;
- e. If the registrant has been convicted of a felony or misdemeanor:
- (1) Official Court Record, which includes charges and disposition;
  - (2) Copies of arrest records;
  - (3) A letter from the registrant explaining the nature of the conviction;
  - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
  - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

23-011.02 First Notice: At least 30 days prior to the expiration date of registration, the Department will send a renewal notice by means of regular mail to each registrant's last known address as noted in the records of the Department. It is the responsibility of the registrant prior to the renewal period to notify the Department of any name and/or address changes.

23-011.02A The renewal notice will specify:

1. The name of the registrant;
2. The registrant's last known address of record;
3. The registration number;
4. The expiration date of the registration;
5. The renewal fee pursuant to 172 NAC 23-015;
6. The number of inservice hours required for renewal; and
7. The option to place the registration on either inactive or lapsed status.

23-011.02B The registrant must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The registrant's Social Security Number;
4. Attestation of completing 10 hours of inservice training; and
5. Documentation relating to misdemeanor or felony conviction(s) or registration revocation, suspension, limitation, or disciplinary action (if applicable).

23-011.02C If the registrant wishes to place his/her registration on either inactive or lapsed status s/he must:

1. Request that his/her registration be placed on inactive status by submitting to the Department:
  - a. The renewal notice with a check in the box marked inactive; and
  - b. The fee of \$25; or
2. Request that his/her registration be placed on lapsed status by submitting to

the Department:

- a. The renewal notice with a check in the box marked lapsed.

23-011.02D The Department will notify the registrant in writing of the acceptance or denial of the request to allow the registration to be placed on inactive or lapsed status.

23-011.03 Second Notice: The Department will send to each registrant who fails to renew his/her registration or place the registration on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to the requirements of 172 NAC 23-011.02A that specify:

1. That the registrant failed to pay the renewal fee;
2. That the registration has expired;
3. That the registrant is subject to an administrative penalty pursuant to 172 NAC 23-016 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with the late fee of \$25 and documentation of continuing competency requirements within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular renewal fee, the license will be revoked pursuant to 172 NAC 23-012.

23-011.04 The registration holder must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee the additional fee of \$25;
3. The registration holder's Social Security Number.
4. Attestation by the registrant's:
  - (a) That s/he has not practiced in Nebraska since the expiration of his/her registration; or
  - (b) To the actual number of days practiced in Nebraska since the expiration of his/her registration;
5. Attestation of completing 10 hours of inservice training;
6. Documentation relating to misdemeanor or felony conviction(s) or registration, revocation, suspension, limitation or disciplinary action (if applicable).

23-011.05 If the registrant wishes to place his/her registration on either inactive or lapsed status s/he must:

1. Request that his/her registration be placed on inactive status by submitting to the Department:
  - a. The renewal notice with a check in the box marked inactive; and
  - b. The fee of \$25; or
2. Request that his/her registration be placed on lapsed status by submitting to the Department:

- a. The renewal notice with a check in the box marked lapsed.

23-011.06 The Department will notify the registrant in writing of the acceptance or denial of the request to allow the registration to be placed on lapsed or inactive status.

23-011.07 When any registrant fails, within 30 days of expiration of a registration, to pay the renewal fee, to submit documentation of the continuing competency requirement and/or to pay an additional fee of \$25, the Department will automatically revoke the registration without further notice of hearing and will make proper record of the revocation.

23-011.08 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her registration will constitute non-renewal of registration, unless the registration is placed on inactive or lapsed status. When any registration holder fails, within 30 days of expiration of a registration, to meet the continuing competency requirement for renewal, and/or to pay an additional late fee of \$25, the Department will revoke the registration after notice and opportunity for hearing. Hearings held before the Department will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

23-011.09 When the registrant has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 23-011.07 and 011.08 will not apply.

23-011.10 The Department may refuse to renew a registration for falsification of any information submitted for renewal of a license. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1.

23-012 LICENSURE/REGISTRATION REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department may revoke a license or registration when the licensee or registration holder fails to meet the renewal requirements.

23-012.01 Revocation for Nonpayment of Renewal Fee

23-012.01A When a licensee or registration holder fails to pay the required renewal fee, to submit documentation of continuing competency, and/or to pay an additional fee of \$25 and fails to request that his/her license or registration be placed on either inactive or lapsed status within 30 days of its expiration, the Department automatically revokes the license or registration without further notice or hearing.

23-012.01A1 The revocation notice specifies:

1. A licensee or registration holder was given a first and final notice of renewal requirements and the respective dates for these notices;
2. A licensee or registration holder failed to renew the license or registration or to request that his/her license or registration be placed on inactive or lapsed status;
3. Department has revoked the license or registration;

4. Licensee or registration holder has a right to appeal the revocation; and
5. Licensee or registration holder has a right to reinstatement of the license or registration.

23-012.02 Revocation for Failure to Meet Continuing Competency Requirements

23-012.02A When a licensee or registration holder fails within 30 days of the expiration of his/her license or registration to meet the continuing competency requirement for licensure or registration renewal, the Department revokes his/her license or registration after notice and opportunity for a hearing.

23-012.02A1 The revocation notice for failure to meet continuing competency requirements specifies:

1. That the licensee or registration holder was given first and second notice of failure to meet the continuing competency and the respective dates of each notice;
2. That the licensee or registration holder either failed to renew the license or registration or to have his/her license or registration timely placed on inactive or lapsed status;
3. That the Department will revoke the license or registration within 30 days of date of receipt of the notice unless the license or registration holder requests in writing a hearing.
4. That the licensee or registration holder has a right to appeal the revocation; and
5. That the licensee or registration holder has a right to reinstatement of the license or registration.

23-013 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE

23-013.01 The Department may deny an application for a license when the applicant fails to meet the requirements for licensure pursuant to 172 NAC 23-003.

23-013.02 The Department may refuse renewal of a license if the licensee fails to meet the requirements pursuant to 172 NAC 23-010.

23-013.03 The Department may deny, refuse renewal of, limit, suspend, or revoke licenses for any of the following grounds:

1. Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license, certificate, or registration.
2. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state.

3. Habitual intoxication or dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 71-172.01.
4. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, licensee's, certificate holder's or registrant's fitness or capacity to practice the profession.
5. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession.
6. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability.
7. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means.
8. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license, certificate, or registration by a person not licensed, certified, or registered to do so.
9. Having had his/her license, certificate, or registration denied, refused renewal, limited, suspended, or revoked, or having had the license, certificate, or registration disciplined in any other manner pursuant to Neb. Rev. Stat. § 71-155 by another state or jurisdiction to practice audiology or speech-language pathology, based upon acts by the applicant, licensee, certificate holder, or registrant similar to acts pursuant to 172 NAC 23-013. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, or registration or the taking of other disciplinary measures against it by another state or jurisdiction will be conclusive evidence.
10. Unprofessional conduct, which term includes all acts pursuant to Neb. Rev. Stat § 71-148 and the other acts which include, but are not limited to:
  - a. Competence: An audiologist or speech-language pathologist must not provide services for which s/he is not trained or experienced. Unprofessional conduct in the practice of audiology or speech-language pathology includes but is not limited to:
    - (1) Committing any act which endangers patient safety or welfare; or
    - (2) Performing or agreeing to perform procedures when the procedures are known to be a departure from standard or acceptable and prevailing practice in audiology and speech-language pathology.



- b. Confidentiality: Without the prior written consent of a patient, an audiologist or speech-language pathologist holds in confidence information obtained from a patient, except in those unusual circumstances in which to do so would result in clear danger to the person or to others, or where otherwise required by law.
- c. Professional Relationships: An audiologist or speech-language pathologist must safeguard the welfare of patients and maintain professional relationships with patients. Commission of any of the following acts or behavior must constitute unprofessional conduct:
  - (1) Exploiting a patient for financial gain or sexual favors;
  - (2) Performing or agreeing to perform audiology or speech-language pathology therapy services that have been requested when the services are known to be contraindicated or unjustified;
  - (3) Performing or agreeing to perform procedures that have been requested when the procedures are known to be outside of the audiologist's or speech- language pathologist's scope of practice;
  - (4) Verbally or physically abusing patients;
  - (5) Falsification or unauthorized destruction of patients records;
  - (6) Attempting to provide diagnostic or treatment information to patient(s) that is beyond the audiologist's or speech-language pathologist's level of education, training and expertise;
  - (7) Delegating to other personnel those patient related services for which the clinical skills and expertise of an audiologist or speech-language pathologist are required;
  - (8) Encouraging or promoting the practice of audiology or speech-language pathology by untrained or unqualified persons;
  - (9) Failure to safeguard the patient's dignity and right to privacy;
  - (10) Filing a false report or record in the practice of audiology or speech-language pathology including, but not limited to, collecting a fee;
  - (11) Falsely representing the use or availability of services or advice of a physician.
  - (12) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products;

- (13) Individuals must not provide services except in a professional relationship, and must not discriminate in the provision of services to individuals on the basis of sex, race, religion, national origin, sexual orientation, or general health.
- d. Sexual Misconduct: An audiologist or speech-language pathologist must under no circumstances engage in sexual misconduct. Specifically with regard to patients, the unprofessional conduct includes, but is not limited to:
  - (1) Engaging in sexual relationships, whether consensual or non-consensual with any patient while an audiologist or speech-language pathologist/patient relationship exists;
  - (2) Engaging in sexual harassment of patients. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature which results in:
    - (a) Providing or denying service to a patient;
    - (b) Creating an intimidating, hostile, or offensive environment for the patient; or
    - (c) Interfering with a patient's ability to recover.
- e. Other unprofessional conduct includes but is not limited to:
  - (1) Obtaining any fee for professional services by fraud, deceit or misrepresentation;
  - (2) The violation of an assurance of compliance entered into under Neb. Rev. Stat. § 71-171.02 of the Uniform Licensing Law;
  - (3) Failure to follow policies or procedures implemented in the practice situation to safeguard patient care;
  - (4) Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of an audiologist or speech-language pathologist;
  - (5) Practicing in this state without a current Nebraska license, certification, registration or temporary license;
  - (6) Failure to obtain patient informed consent before treatment;
  - (7) Failure to take steps to transfer the continuum of care of the patient, as appropriate, to another health care provider in the event of elective termination of audiology or speech-language pathology therapy services by an audiologist or speech-language pathologist; and
  - (8) Failure to report suspected cases of child abuse or vulnerable adult abuse pursuant to Neb. Rev. Stat. §§ 28-717 and 28-384.
- 11. Use of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims, concerning such licensee's, certificate holder's, or registrant's professional excellence or abilities, in advertisements.

12. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act.
13. Distribution of intoxicating liquors, controlled substances or drugs for any other than lawful purposes.
14. Willful or repeated violations of the Uniform Licensing Law or the rules and regulations of the Department relating to the licensee's, certificate holder's, or registrant's profession.
15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee, certificate holder, or registrant is not licensed, certified, or registered to practice.
16. A license, certificate, or registration to practice audiology or speech-language pathology may also be refused renewal or revoked when the licensee, certificate holder, or registrant is guilty of practicing audiology or speech-language pathology while his/her license, certificate, or registration to do so is suspended or is guilty of practicing audiology or speech-language pathology in contravention of any limitation placed upon his/her license, certificate, or registration.
17. When the applicant is found to be not qualified to practice the particular profession or occupation for which s/he is applying, or licensed because of physical or mental illness or physical or mental deterioration or disability.
18. Refusal of an applicant for a license, certificate, or registration or of a licensee, certificate holder, or registrant to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§ 71-161.12 to 71-161.16, to determine his/her qualifications to practice or to continue in the practice of the profession or occupation for which application was made or for which s/he is licensed, certified, or registered.
19. Failure to file a report required by the mandatory reporting law pursuant to Neb. Rev. Stat. § 71-168.

23-013.04 If the Department proposes to deny, refuse renewal of, limit, revoke, or suspend the license, certificate, or registration of any licensee, certificate holder, or registrant the licensee, certificate holder, registrant, or applicant must be given an opportunity for a hearing before the Department and must have the right to present evidence on his/her own behalf. Hearings before the Department must be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

23-014 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.

23-014.01 Eligibility

23-014.01A An individual whose credential has been previously:

1. Placed on lapsed status;
2. Placed on inactive status;
3. Revoked for failure to meet the renewal requirements;
4. Suspended or limited for disciplinary reasons; or
5. Voluntarily surrendered or voluntarily limited for an indefinite period of time; may request, at any time, to be re-credentialed and re-authorized to practice under the credential pursuant to these regulations.

23-014.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

23-014.01C An individual who practices prior to re-credentialing, is subject to:

1. Assessment of an administrative penalty pursuant to 172 NAC 23-016; and
2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

23-014.02 Requirements for Restoration from Lapsed Status: A person whose credential has been placed on lapsed status may have their credential restored from lapsed to active status by the Department upon proof to the Department that they meet the requirements pursuant to 172 NAC 23-003.

23-014.02A If the Department has evidence that an applicant has practiced while his/her credential was lapsed, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 23-016;
2. Initiate disciplinary action against the lapsed credential;
3. Deny the request to restore the credential from lapsed to active status; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

23-014.02B If the Department has evidence that an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the lapsed credential;
2. Deny the request to restore the credential from lapsed to active status;  
or
3. Restore the credential to active status and impose limitation(s) or other

sanctions on the credential.

23-014.02C The Department will act within 150 days on all completed applications.

23-014.02D The applicant will be provided with notice and the opportunity for hearing pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920, before any of the actions pursuant to 172 NAC 23-014.02A and 23-014.02B are final.

23-014.03 Requirements to Move a Credential from Inactive to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from inactive to active status upon proof to the Department that they meet the following requirements:

1. Meet renewal requirements, including:
  - a. The continuing competency requirements; and
  - b. Paying the renewal fee and any other applicable fees;
2. Attest:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

23-014.04 Procedures for Moving from Inactive to Active Status: To move a credential from inactive status to active status, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
  - a. Name;
  - b. Address;
  - c. Social Security Number; and
  - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
  - e. A statement describing all:
    - (1) Felony or misdemeanor convictions during the time period since the credential was active;
      - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
        - [1] Official Court Record, which includes charges and disposition;
        - [2] Arrest records;
        - [3] A letter from the applicant explaining the nature of the conviction;
        - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and

- [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
  - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
    - [1] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
  - (c) Disciplinary charges pending against any professional credential held by the applicant.
- f. Attestation that the continuing competency requirements for renewal have been met;
- 2. The renewal fee and any other applicable fees.
- 3. Attestation by applicant:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

23-014.04A If an applicant has practiced while his/her credential was inactive, the Department may:

- 1. Assess an administrative penalty pursuant to 172 NAC 23-016;
- 2. Initiate disciplinary action against the credential;
- 3. Deny the request to move the credential from inactive to active status; or
- 4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

23-014.04B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

- 1. Initiate disciplinary action against the credential;
- 2. Deny the request to move the credential from inactive to active status; or
- 3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

23-014.04C In either event pursuant to 172 NAC 23-014.04A or 23-014.04B, a notice and the opportunity for hearing will be given to the applicant.

23-014.04D The Department will act within 150 days on all completed applications.

23-014.05 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet renewal requirements must:

- 1. Meet the renewal requirements, including:

- a. The continuing competency requirements; and
  - b. Paying the renewal fee, the late fee of \$35 and any other applicable fees;
2. Attest:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

23-014.06 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:

- 1. A written application which contains the following information about the applicant:
  - a. Name;
  - b. Address;
  - c. Social Security Number; and
  - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
  - e. A statement describing all:
    - (1) Felony or misdemeanor convictions during the time period since the credential was active;
      - [a] If the applicant has been convicted of a felony or misdemeanor, provide copies of:
        - [1] Official Court Record, which includes charges and disposition;
        - [2] Arrest records;
        - [3] A letter from the applicant explaining the nature of the conviction;
        - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
        - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
    - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was revoked;
      - [a] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
    - (3) Disciplinary charges pending against any professional credential held by the applicant.
  - f. Attestation that the continuing competency requirements for renewal have been

- met;
2. The renewal fee, the late fee of \$35 and any other applicable fees.
  3. Attestation by the applicant:
    - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
    - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
      - (1) If an applicant has practiced after his/her credential was revoked the Department may assess an administrative penalty pursuant to 172 NAC 23-016 in which case a notice and opportunity for hearing will be sent to the applicant.
      - (2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 23-014.06B below.

The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).

23-014.06A The Board's recommendation to the Department may be to:

1. Reinstate the credential;
2. Reinstate the credential with terms, conditions or restrictions; or
3. Deny reinstatement.

23.014.06B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:

1. Reinstate the credential. An administrative penalty may be assessed pursuant to 172 NAC 23-016 if warranted;
2. If the Department determines that the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. §§ 71-147 or 71-148, the Department may:
  - a. Reinstate the credential with terms, conditions or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An administrative penalty may be assessed pursuant to 172 NAC 23-016 if warranted; or
  - b. Deny reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

23-014.07 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more



than one year after revocation for failure to meet the renewal requirements must:

1. Petition the Board for reinstatement pursuant to Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:
  - a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and
  - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
2. Meet the renewal requirements, including:
  - a. The continuing competency requirements; and
  - b. Paying the renewal fee, the late fee of \$75 and any other applicable fees.
3. Attest:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

23-014.08 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements. An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:

1. A petition for reinstatement:
  - a. Stating the reason the petitioner believes his/her credential should be reinstated;
  - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
  - c. Containing the following information about the petitioner:
    - (1) Name;
    - (2) Address;
    - (3) Social Security Number; and
    - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
    - (5) A statement describing all:
      - (a) Felony or misdemeanor convictions during the time period since the credential was active;
        - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
          - [a] Official Court Record, which includes charges and disposition;

- [b] Arrest records;
    - [c] A letter from the petitioner explaining the nature of the conviction;
    - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
    - [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
  - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was revoked;
    - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
  - (c) Disciplinary charges pending against any professional credential held by the petitioner.
- (4) Attestation that the continuing competency requirements for renewal have been met.
- 2. The renewal fee, the late fee of \$75 and any other applicable fees.
- 3. Attestation by the petitioner:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
    - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an administrative penalty pursuant to 172 NAC 23-016 in which case a notice and opportunity for hearing will be sent to the petitioner.
    - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 23-014.08F.

23-014.08A The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

23-014.08B Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

23-014.08C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

23-014.08D Prior to any recommendation by the Board against reinstatement of the

credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

23-014.08D1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

23-014.08E If the petitioner formally requests a formal public hearing or if the Board otherwise holds a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

23-014.08F The Board will review the petition to recommend reinstatement and the record of any hearing held, and submits its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.

23-014.08F1 If the Board recommends reinstatement of the credential, the Department may:

1. Accept the Board's recommendation and grant reinstatement of the credential.
2. If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, the Department may not accept the Board's recommendation and either:
  - a. Deny reinstatement of the credential, or
  - b. Grant reinstatement with terms, conditions, or restrictions.

23-014.08F2 If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act.

23-014.08F3 If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:

1. Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or
2. Not accept the Board's recommendation and either:
  - a. Deny reinstatement of the credential; or
  - b. Grant reinstatement of the credential.

23-014.08F4 The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.

23-014.08F5 The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act.

23-014.09 Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement;
  - a. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and
  - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
2. Pay the reinstatement fee of \$75; and
3. If the credential was revoked or suspended, attest:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

23-014.10 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

1. A petition for reinstatement:
  - a. Stating the reason the petitioner believes his/her credential should be reinstated;
  - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
  - c. Containing the following information about the petitioner:
    - (1) Name;
    - (2) Address;
    - (3) Social Security Number; and
    - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;

- (5) A statement describing all:
  - (a) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;
    - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
      - [a] Official Court Record, which includes charges and disposition;
      - [b] Arrest records;
      - [c] A letter from the petitioner explaining the nature of the conviction;
      - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
      - [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
  - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;
    - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
  - (c) Disciplinary charges pending against any professional credential held by the petitioner;
- (6) Any continuing competency activities.
- 2. The reinstatement fee of \$75; and
- 3. Attestation by the petitioner, if the credential was revoked or suspended:
  - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
    - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an administrative penalty pursuant to 172 NAC 23-016 in which case a separate notice and opportunity for hearing will be sent to the petitioner; and
    - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 23-014.10G.

23-014.10A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:

- 1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited

by Neb. Rev. Stat. §§71-147 and 71-148;

2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;
3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
4. Require the petitioner to complete additional education.

23-014.10B The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

23-014.10C Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

23-014.10D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

23-014.10E Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

23-014.10E1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

23-014.10E2 If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of the current petition, the Board may grant or deny, without a hearing, the current petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

23-014.10F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

23-014.10G The Board reviews the petition to recommend reinstatement, any examination or investigatory information, and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of

the petition to recommend reinstatement.

23-014.10G1 If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director;
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation;
  - a. The application must include:
    - (1) Name of the petitioner; and
    - (2) Signed statement that the petitioner requests the Director to issue the credential pursuant to the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
  - a. The application;
  - b. The written recommendation of the Board, including any finding of fact or order of the Board;
  - c. The petition submitted to the Board;
  - d. The record of hearing, if any; and
  - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
  - a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The Order will be sent by certified mail to the petitioner;

- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act.

23-014.10G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director;
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation;
  - a. The application must include:
    - (1) Name of the petitioner; and
    - (2) Signed statement that the petitioner requests the Director to issue the credential pursuant to the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
  - a. The application;
  - b. The written recommendation of the Board, including any finding of fact or order of the Board;
  - c. The petition submitted to the Board;
  - d. The record of hearing, if any; and
  - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
  - a. When the Director affirms, modifies or reverses the Board's



recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The Order will be sent by certified mail to the petitioner;

- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act.

23-014.10G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act.

23-014.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

23-014.11A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

23-014.11A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:
  - a. Name;
  - b. Address;
  - c. Social Security Number; and
  - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
  - e. A statement describing all:
    - (1) Felony or misdemeanor convictions during the time period since the credential was active;
      - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
        - [1] Official Court Record, which includes charges and disposition;
        - [2] Arrest records;
        - [3] A letter from the applicant explaining the nature of the conviction;
        - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
        - [5] A letter from the probation officer addressing probationary conditions and current status,

- if the applicant is currently on probation.
- (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
  - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
- (3) Disciplinary charges pending against any professional credential held by the applicant.
- f. Any continuing competency activities;
- g. Attest:
  - (1) That s/he has not practiced in Nebraska prior to the voluntary surrender of his/her credential; or
  - (2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of his/her credential.

23-014.11A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 23-016;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

23-014.11A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request for restoration of the credential; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

23-014.11A4 In either event pursuant to 172 NAC 23-014.11A2 or 23-014.11A3, a notice and the opportunity for hearing will be given to the applicant.

23-014.11A5 The Department will act within 150 days on all completed applications.

23-014.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time

23-014.12A Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11, will be automatically restored at the expiration of that period of time.

23-014.12B If an individual has practiced while his/her credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an administrative penalty pursuant to 172 NAC 23-016.

23-014.13 Credentials Voluntarily Surrendered or Limited Permanently

23-014.13A Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

23-015 SCHEDULE OF FEES: The following fees have been set by the Department:

1. Initial License Fee: By an applicant for a license to practice as an audiologist or speech-language pathologist the fee of \$125 and the Licensee Assistance Program fee of \$1 per year for each year remaining during the current biennial renewal period.
2. Temporary License Fee: By an applicant for a temporary license to practice as an audiologist or speech-language pathologist the fee of \$30.
3. Registration Fee: By an applicant for registration as a communication assistant, the fee of \$30 and the Licensee Assistance Program fee of \$1.
4. License Renewal Fee: By an applicant for a renewal on a biennial basis of a license to practice as an audiologist or speech-language pathologist, the fee of \$95 and the Licensee Assistance Program fee of \$2.
5. Registration Renewal Fee: By an applicant for renewal on an annual basis of a registration to practice as a communication assistant, the fee of \$25 and the Licensee Assistance Program fee of \$1.
6. Inactive License Status Fee: By an applicant to have his/her license or registration placed on inactive status, the fee of \$25.
7. Renewal Late Fee: By an applicant for a renewal on an annual/biennial basis of a license or registration, who fails to pay the renewal fee on or before the expiration date of his/her license or registration, the fee of \$25 as a late fee in addition to the renewal fee.
8. Certification of License/Registration Fee: For issuance of a certification of a license or registration the fee of \$25. The certification includes information regarding:
  - a. The basis on which a credential was issued;
  - b. The date of issuance;
  - c. Whether disciplinary action has been taken against the credential; and
  - d. The current status of the credential.
9. Verification of License/Certification Fee: For issuance of a verification of a license or registration the fee of \$5. The verification includes written confirmation as to whether a license or registration was valid at the time the request was made.

10. Duplicate License or Registration Fee: For a duplicate original license or registration document or reissued license or registration, the fee of \$10.
11. Administrative Fee: For a denied license or registration or withdrawn application the administrative fee of \$25 will be retained by the Department, except if the licensure or registration fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.
12. Reinstatement Late Fee: For reinstatement of a license or registration for failure to meet renewal requirements:
  - a. Within one year, the fee of \$35 in addition to the renewal fee; or
  - b. After one year of revocation, the fee of \$75 in addition to the renewal fee.
13. Reinstatement Fee: For reinstatement of an audiology or speech-language pathology license following suspension, limitation, or revocation for disciplinary reasons, the fee of \$75.

23-016 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

23-016.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; and
6. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

23-016.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice must specify:
  - a. The total amount of the administrative penalty;
  - b. The evidence on which the administrative penalty is based;
  - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
  - d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
  - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

23-016.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.

Approved by Attorney General:	April 10, 2007
Approved by Governor:	June 26, 2007
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Forms A through Q may be obtained by contacting the Credentialing Division.

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